

Monday, March 1, 2010

Division One

**A121521 – The People, v. Manuel Mares.**

By The Court: The petition for rehearing is denied. Marchiano, P.J.

Tuesday, March 2, 2010

Division Two

**A125750 – St. John’s Well Child and Family Center et al., v. Arnold Schwarzenegger as Governor, etc., et al., Darrell Steinberg, Individually and as President pro Tempore, etc., et al.**

The petition for writ of mandate is denied. Kline, P.J., We Concur: Lambden, J., Richman, J. (Certified for Publication.)

**A121825 – The People, v. Keith Allen Stevenson.**

The judgment is affirmed. Kline, P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

Wednesday, March 3, 2010

Division One

**A125152 – Veronica Noskevich a Minor, etc., et al., v. Eden Medical Center et al.**

The “Order Regarding McNulty Law Firm’s Lien” is reversed in full, and the “Order Approving Compromise of Pending Action” is reversed to the extent that it ordered disbursement of settlement proceeds to the McNulty firm. The matter is remanded to the trial court for further proceedings to ensure the return and proper distribution of the settlement funds previously disbursed to the McNulty firm, consistent with the views expressed in this opinion. Margulies, Acting P.J., We Concur: Dondero, J., Banke, J. (Not for Publication.)

Division Four

**A122410 – The People, v. Fernando Edward Gamez.**

The judgment is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Sepulveda, J.  
(Not for Publication.)

Wednesday, March 3, 2010(Continued)

Division Five

**A124534 – In re E.O. et al., Persons Coming Under the Juvenile Court Law. San Francisco Human Services Agency, v. N.M.**

By The Court: The opinion filed on February 5, 2010, is hereby certified for publication pursuant to rule 8.1105, California Rules of Court, and is modified as follows: (See Order.) There is no change in the judgment. Jones, P.J. (Certified for Publication.)

**A124507 – The People, v. Paul Barrier.**

The judgment is affirmed. Bruiniers, J., We Concur: Jones, P.J., Needham, J.  
(Not for Publication.)

**A120940, A122167, A122548 – Scheherezade Sharabianlou et al., v. Ronald M. Karp et al.**

By The Court: It is ordered that the published portion, part II, of the opinion filed herein on February 5, 2010, be modified as follows: (See Order.) Respondents' petition for rehearing is denied. Jones, P.J. (Certified for Partial Publication.)

Thursday, March 4, 2010

Division Two

**A126564 – In re J.J., a Person Coming Under the Juvenile Court Law. San Francisco County Social Services Department, v. Shawn J.**

The appeal is dismissed. Kline, P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

**A124300 – In re R.P., et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Children & Family Services Bureau, v. M.O.**

The orders appealed from are affirmed. Kline, P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Three

**A123482 – The People, v. Nathan Williams.**

The judgment is affirmed. Pollak, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Thursday, March 4, 2010(Continued)

Division Four

**A122298 – The People, v. Jesus Vasquez-Carreno.**

The judgment is modified to strike the personal weapon use enhancement to count 4. As so modified, the judgment is affirmed. Rivera, J., We Concur: Ruvo, P.J., Reardon, J. (Not for Publication.)

Friday, March 5, 2010

Division Two

**A126420 – The People, v. Anthony Victor Viertel.**

By The Court: Defendant Anthony Victor Viertel purports to appeal from the trial court's September 10, 2009 order denying his post judgment motion to modify a restitution fine imposed at the time of sentencing. The challenged ruling is not appealable. To the extent defendant wished to challenge the fine, he should have appealed following the December 29, 2008 sentencing hearing but failed to do so. Accordingly, the above-referenced appeal is hereby dismissed. McGuiness, APJ.

Division Four

**A119760 – Bay Area Senior Services, Inc., v. Victor I. Gilbert.**

The judgment is affirmed. Rivera, J., We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Division Five

**A121647 – The People, v. Antonio T. Pulido.**

The judgment is affirmed. Bruiniers, J., We Concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

Monday, March 8, 2010

Division One

**A123764 – Opt Golden Hills Vac LLC, v. Sav Max Foods, Inc.**

Monday, March 8, 2010(Continued)

By The Court: It is ordered that the opinion filed herein on February 9, 2010, be modified as follows: (See Order.) Respondent Sav Max's petition for rehearing is denied. Marchiano, P.J. (Not for Publication.)

Division Two

**A125649 – In re O.M., a Person Coming Under the Juvenile Court Law. Contra Costa County Children and Family Services Bureau, v. A.E., et al.**

The appeal is dismissed. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Three

**A117148 & A118566 – Fredy Alarcon, v. Fireside Bank.**

Each party shall bear his own costs on appeal. Jenkins, J., We Concur: McGuinness, P.J., Pollak, J. (Not for Publication.)

Division Four

**A125110 – In re B.W., a Person Coming Under the Juvenile Court Law. The People, v. B.W.**

The matter is remanded to the juvenile court to declare whether defendant's offenses are misdemeanors or felonies as required by section 702 and rule 5.795(a), and, if necessary, a recalculation of the maximum term of confinement. In all other respects, the dispositional order is affirmed. Rivera, J., We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

**A125120 – The People, v. Robert Dywane Livingston.**

The judgment is affirmed. Reardon, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Division Five

**A123451 – The People, v. Elver Bernardino Pulucisque.**

The People's motion to dismiss the appeal is denied. This court shall consider the appeal on its merits. The People shall have 30 days from the date this opinion is final to file a respondent's brief. Needham, J., We Concur: Jones, P.J., Simons, J. (Certified for Publication.)

Tuesday, March 9, 2010

Division Two

**A123112, A124359 – Paul G. Robinson et al., v. Craig Greenwood et al.**

The summary judgment in case No. A123112 is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion. On remand, the trial court is directed to determine the status of Dianne Evans in this matter. Greenwood's appeal in case No. A124359 is dismissed as moot, Costs on appeal are awarded to Robinsons. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

**A124532 – In re Marilyn T., a Person Coming Under the Juvenile Court Law. San Francisco Department of Human Services, v. Antoine T.**

The order is affirmed. Lambden, J., We Concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

**A123636 – San Francisco Housing Authority, v. Seiu Local 790.**

The order of the trial court is reversed and the matter is remanded with instructions to deny the motion to vacate the award and to confirm the award. Kline, P.J., We Concur: Haerle, J., Lambden, J. (Certified for Publication.)

**A123649 – In re Victor L., a Person Coming Under the Juvenile Court Law. The People, v. Victor L.**

The first condition of probation is modified to read, “The Minor shall not be a member of any gang, [meaning a ‘criminal street gang’ as defined in Penal Code Section 186.22(f)], nor associate with any person know by the Minor to be a gang member, or with anyone with whom *the Minor knows* a parent or the Probation Officer prohibits association.” The second condition of probation is modified to read, “The Minor shall not remain in any building, vehicle or in the presence of any person where *the Minor knows one or more* dangerous or deadly weapons or firearms or ammunition exist.” The third condition of probation is modified to read, “The Minor shall not be in any areas where gang members are known by Minor to meet or get together, or areas known by Minor for gang-related activity (*or specified by his probation officer as involving gang-related activity*), nor *shall he participate* in any gang activity.” We modify the second Internet condition to read, “The Minor shall not *possess* a computer which is attached to a modem or telephonic device *or which has internal modem*.” In all other respects the judgment is affirmed. Richman, J., We Concur: Kline, P.J., Lambden, J. (Certified for Publication.)

Division Four

**A124924 – In re V.C., a Person Coming Under the Juvenile Court Law. San Francisco Department of Human Services, v. M.C. et al.**

Tuesday, March 9, 2010(Continued)

The order appealed from is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

**A125756 – In re Michael Francis de Vries, on Habeas Corpus.**

De Vries’s petition for habeas corpus is granted, and the Board’s November 20, 2008 order denying parole is hereby vacated. The Board is ordered to find de Vries suitable for parole, unless at another hearing to be convened by the Board within 30 days of issuance of the remittitur, new evidence of parole unsuitability is presented. (*In re Rico, supra*, 171 Cal.App.4th at p. 689.) Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A125970 – In re Barry L., a Person Coming Under the Juvenile Court Law.  
San Mateo County Human Services Agency, v. Barney L.**

The order after the seventh postpermanency planning hearing is reversed, and that matter is remanded to the juvenile court for a contested hearing on visitation.

Reardon, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, March 9, 2010

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J., Sepulveda, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Jeff Davidson, Bailiff.

A125260 Peter Childress, as Guardian ad litem, etc.  
v.  
William Murphy  
Cause called. John Baba argued for appellant Murphy. James Millar argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Reardon, Acting P. J., Sepulveda, J., and Rivera, J.

A123892 Wade Anthony Robertson  
v.  
Department of Motor Vehicles  
Cause called. In pro per appellant Wade Robertson argued. David Carrillo argued for respondent. Cause submitted.

Court adjourned at 10:02 a.m.

Tuesday, March 9, 2010(Continued)



Division Five

**A123784 – Margaret A. Seltzer, v. Michael A. Barnes.**

By The Court: The opinion in the above-entitled matter filed on February 11, 2010, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered. Respondent's petition for rehearing is denied. Simons, Acting P.J. (Certified for Publication.)

**A125276 – Stephen T. Davies v. Steven A. Schectman et al.**

The judgment of dismissal is affirmed. Bruiniers, J., We Concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

**A125225 – The People, v. Edwin Gail Donahue, Jr.**

The matter is remanded to the trial court with directions to correct the abstract of judgment to reflect that appellant was convicted of assault by means of force likely to produce great bodily injury (§ 245(a)(1)). The trial court shall send a copy of the corrected abstract of judgment to the California Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Simons, J., We Concur: Jones, P.J., Bruiniers, J. (Not for Publication.)

**A124719 – The People, v. Leonard Raphael Hawley.**

The judgment is affirmed. Simons, J., We Concur: Jones, P.J., Needham, J. (Not for Publication.)

Wednesday, March 10, 2010

Division One

**A122651 – Adoption of N.G. et al., a Minor. R.R. et al., v. J.R. et al.**

By The Court: The petitions for rehearing are denied. Marchiano, P.J.

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, March 10, 2010

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Pollak, J. and Siggins, J.; and B. Robbins, Deputy Clerk.

A125292 California Attorneys et al.,  
v.  
Arnold Schwarzenegger et al.;  
John Chiang et al.  
Cause called and argued by David W. Tyra, counsel for appellants, and Patrick J. Whalen, Ronald B. Turovsky, and Ross C. Moody, counsel for respondents. Cause ordered submitted.

At this point in the proceedings, Justice Pollak left the bench and Justice Jenkins joined the bench.

A124760 In re B.B., a Person Coming Under the Juvenile Court Law.  
The People,  
v.  
B.B.  
Cause called and argued by V. Elizabeth Grayson, counsel for appellant, via teleconference, and Michael Banister, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Siggins left the bench and Justice Pollak re-joined the bench.

A123856 Veena Purifoy et al.  
v.  
Glenn Howell et al.  
Cause called and argued by Corey Evans, counsel for appellants, and Steven P. Rettig, counsel for respondents. Cause ordered submitted.

A123891 Walgreen Co.  
v.  
City and County of San Francisco.  
Cause called and argued by Daniel M. Kolkey, counsel for appellant, and Wayne Snodgrass, counsel for respondent. Cause ordered submitted.



At this point in the proceedings, Presiding Justice McGuiness left the bench and Justice Siggins re-joined the bench. Justice Pollak presided over the remainder of the morning calendar.

A125182      In re Robert Shippman  
on Habeas Corpus.  
Cause called and argued by Benjamin P. Ramos, counsel for petitioner, via teleconference, and Brian Kinney, counsel for respondent. Cause ordered submitted.

A125341      Geri A. Tevini,  
v.  
Francis X. Doherty.  
Cause called and argued by Geri A. Tevini, appellant in pro per, and Francis X. Doherty, respondent in pro per. Cause ordered submitted.

COURT ADJOURNED.

Wednesday, March 10, 2010(Continued)

Division Four

**A124410 – Daniel Helm et al., v. Lincoln Air Conditioning Corp.**

The judgment is affirmed. Costs on appeal are awarded to respondent. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A126441 – The People, v. Charles Campbell, Jr.**

Judgment affirmed. Reardon, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Division Five

**A124511 – In re Randy A., a Person Coming Under the Juvenile Court Law. The People, v. Randy A.**

The matter is remanded to the juvenile court for a determination, consistent with this opinion, of the additional custody credit to which Randy is entitled and for modification of the commitment order accordingly. The order of commitment is otherwise affirmed. Jones, P.J., We Concur: Needham, J., Bruiniers, J. (Not for Publication.)

Thursday, March 11, 2010

Division One

**A123908 – Aaron Anderson, v. Eleventh & Folsom Preservation and Community Centers, Inc., et al.**

The judgment is reversed, and the matter is remanded to the trial court for further proceedings. The trial court's order denying plaintiff's motion to set aside the summary judgment (§ 663) is affirmed. Each party shall bear its own costs. Marchiano, P.J., We Concur: Margulies, J., Banke, J. (Not for Publication.)

**A125395 – In re B.L., a Person Coming Under the Juvenile Court Law. The People, v. B.L.**

The matter is remanded to the juvenile court for recalculation of appellant's maximum period of custody and time-served credits, and the juvenile court is directed to enter an amended judgment reflecting the correct calculation of both. The judgment is otherwise affirmed. Margulies, J., We Concur: Marchiano, P.J., Dondero, J. (Not for Publication.)

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Thursday, March 11, 2010

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Dondero, Justice, Banke, Justice, Fred Abad, Deputy Clerk, and CHP Officer Bobby Singh, Bailiff.

A122905    People,  
              v.  
              Jugjita Banger.  
Cause called and argued by David Sundelson, counsel for appellant, and Christina Vom Saal, counsel for respondent. Cause ordered submitted.

A124859    Lawrence Bezirdjian,  
              v.  
              David O'Reilly.  
Cause called and argued by Samuel Rosen, counsel for appellant, and Craig Stewart, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Margulies joined the bench and Justice Banke left the bench.

A124263    Estate of Eugene Winans.  
              Elizabeth Timar,  
              v.  
              Mark Winans, et al.  
Cause called and argued by Daniel Post, counsel for appellants, and Adrienne Moran, counsel for respondent. Cause ordered submitted.

A124684    Brandon Abbey,  
              v.  
              Fortune Drive Associates.  
Cause called and argued by Anya Kudszus, counsel for appellant, and Damien Lillis, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Thursday, March 11, 2010

The Court reconvened at 1:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Margulies, Acting Presiding Justice, Dondero, Justice, Banke, Justice, Fred Abad, Deputy Clerk, and CHP Officer Bobby Singh, Bailiff.

A125880 People,  
v.  
Gideon Gordon Shafrir.  
Cause called and argued by Arthur Hitchins, counsel for appellant, and Colin Cooper, counsel for respondent. Cause ordered submitted.

A122832 People,  
A122888 v.  
Junor Alexander Douglas;  
Marquis Rashawn Douglas.  
Cause called and argued by John Ward, counsel for appellant Junor Douglas, David Morse, counsel for appellant Marquis Douglas, and Aileen Bunney, counsel for respondent. Cause ordered submitted.

A125472 Walter Greb, et al.,  
v.  
Asbestos Corporation.  
Cause called and argued by Christine Renken, counsel for appellants, and Maria Starn, counsel for respondent. Cause ordered submitted.

Court Adjourned



Thursday, March 11, 2010(Continued)

Division Two

**A123473 – The People, v. Filberto Hernandez & Daniel Demarco.**

Accordingly, the order and judgment appealed from are affirmed. Kline, P.J., We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Three

**A125312 – The People, v. Yakub Alhalim.**

The judgment is affirmed. Jenkins, J., We Concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

Division Five

**A123930 – Central Concrete Supply Co., Inc., v. Michael Bursak.**

The order granting respondent leave to amend is affirmed. Costs to respondent. Simons, J., We Concur: Jones, P.J., Bruiniers, J. (Certified for Publication.)

Friday, March 12, 2010

Division One

**A124276 – The People, v. Tom E. Wood.**

Accordingly, the judgment is affirmed.<sup>1</sup> Dondero, J., We Concur: Marchiano, P.J., Banke, J. (Not for Publication.)

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<sup>1</sup> By separate order filed this date, we also deny defendant's petition for writ of habeas (A126772) based on alleged inadequate assistance of counsel.

Division Three

**A124760 – In re B.J.B., a Person Coming Under the Juvenile Court Law. The People, v. B.J.B.**

The judgment is affirmed. Jenkins, J., We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

**A122004 – Man-Li Huang, v. California Pacific Medical Center, et al.**

Friday, March 12, 2010(Continued)

By The Court: It is ordered that the opinion filed herein on February 16, 2010, be modified as follows: (See Order.) McGuiness, P.J. (Not for Publication.)

Division Four

**A123948 – Lesley Emmington Jones et al., v. The Regents of The University of California.**

The judgment is reversed and the trial court is instructed to enter, consistent with this opinion, a new and different judgment denying plaintiffs' petition for writ of mandate. The Regents are entitled to recover their costs on appeal. Sepulveda, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Monday, March 15, 2010

Division One

**A126105 – In re K.T., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. C.T.**

The order is affirmed. Dondero, J., We Concur: Marchiano, P.J., Margulies, P.J. (Not for Publication.)

**A124252 – The People, v. Bruce L. Shaw.**

Accordingly, the judgment is affirmed. Dondero, J., We Concur: Margulies, Acting P.J., Banke, J. (Not for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Monday, March 15, 2010

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Richman, J., Officer Lipsey and S. Wheeler, Deputy Clerk.

A125567 Steve Rossa et al.,  
v.  
D.L. Falk Construction, Inc.  
Cause called and argued by Tony J. Tanke, counsel for appellant, and Marc Sherman, counsel for respondents. Cause ordered submitted.

A122534 Cypress Security, LLC,  
v.  
City and County of San Francisco, et al.  
Cause called and argued by Alexander John Hernaez, counsel for appellant, and Owen James Clements, counsel for respondents. Cause ordered submitted.

**Court recessed until Tuesday, March 16, 2010 at 9:30 a.m.**

Monday, March 15, 2010(Continued)

Division Four

**A123429 – The People, v. Wayne Willie Smith.**

The judgment is affirmed. Ruvolo, P.J., We Concur: Sepulveda, J., Rivera, J.  
(Not for Publication.)

**A123554 – The People, v. Ricardo Talavera.**

The judgment is affirmed. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J.  
(Not for Publication.)

Division Five

**A123106 – Woodfin Suites Hotel, LLC, v. City of Emeryville.**

The attorney fee order is affirmed. Jones, P.J., We Concur: Needham, J.,  
Bruiniers, J. (Not for Publication.)

Tuesday, March 16, 2010

Division Two

**A124814 – In re Bennie Moses, On Habeas Corpus.**

The petition for writ of habeas corpus is granted. The Governor is hereby ordered to vacate his decision of June 23, 2008, which reversed the Board's July 2007 grant of parole. The Board's July 2007 grant of parole is reinstated.<sup>2</sup> In the interests of justice, this opinion is made final as to this court seven days from the date of filing. (Cal. Rules of Court, rule 8.387(b)(3)(A).) Lambden, J., We Concur: Kline, P.J., Richman, J.  
(Certified for Publication.)

**A125665 – In re Ernesto Rangel Juarez.**

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<sup>2</sup> Of course, the Board retains its power to rescind that parole on an appropriate record based on events occurring after its 2007 suitability determination. (*In re Powell* (1988) 45 Cal.3d 894, 901-902; Pen. Code, § § 3041. 5, 3041.7; Regs., § 2450.)

The petition for writ of habeas corpus is granted. The board is directed to hold a hearing within 30 days of the finality of this decision, find Juarez suitable for parole, and set sentence appropriate to this determination, unless new evidence of his conduct and/or change in mental state subsequent to the 2008 parole hearing is introduced and is sufficient to support a finding that he currently poses an unreasonable risk of danger to society if released on parole. Pursuant to California Rules of Court, rule 8.387(b)(3)(A), this opinion shall be final as to this

Tuesday, March 16, 2010(Continued)

court within five days after it is filed. Lambden, J., We Concur: Kline, P.J., Haerle, J.  
(Certified for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Tuesday, March 16, 2010

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Lambden, J., Richman, J., Officer Davidson and I. Santos, Deputy Clerk.

A125490     The People,  
              v.  
              Lavida Marie Davis.  
Cause called and argued by Douglass MacMaster, Deputy District Attorney, counsel for appellant, and Jonathan Laba, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Justice Haerle joined the bench for the remainder of the calendar. Justice Lambden did not participate in the next case but was on the panel for the remainder of the calendar.

A121575     Andrew Reynard Brown,  
              v.  
              California Department of Motor Vehicles.  
Cause called and argued by David Carrillo, counsel for appellant, and Peter Goodman, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Justice Richman left the bench.

A123311     The People,  
              v.  
              Jason Taylor Cyrus.  
Cause called and argued by William Locke, counsel for appellant, and Christina vom Saal, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A122200     The People,  
              v.  
              Kenneth Dell Person.

Cause called and argued by Maitreya Badami, counsel for appellant, and Christopher Grove, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A121080/ Don L. Beck,

A121081/ v.

A121988 Silicon Valley Law Group.

Cause called and argued by Chris Sullivan, counsel for appellant/cross-respondent Don L. Beck Associates, Inc., William Norman, counsel for appellant/cross-respondent Don L. Beck, an individual, and Robert Vantress, counsel for respondent/cross-appellant Silicon Valley Law Group. Cause ordered submitted.

**Court recessed until 1:30 p.m.**

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Tuesday, March 16, 2010

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco, California. Present: Haerle, Acting P.J., Lambden, J., Richman, J., Officer Lipsey and I. Santos, Deputy Clerk.

- A122861      The People,  
                 v.  
                 Donald Randolph.  
Cause called and argued by Neil Rosenbaum, counsel for appellant, and David H. Rose, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A122693/  
A123263      Total Terminals International,  
                 v.  
                 City of Oakland.  
Cause called and argued by Jeremy Rosen, counsel for appellant, and Richard T. White, counsel for respondent. Cause ordered submitted.
- A123253      Angel Batt,  
                 v.  
                 City and County of San Francisco.  
Cause called and argued by Fredrick a. Hagen, counsel for appellant, and Peter J. Keith, counsel for respondent. Cause ordered submitted.

**COURT ADJOURNED.**



Tuesday, March 16, 2010(Continued)

**A122635 – The People, v. Reuben Joel Nahourall.**

Irregularities in the preliminary examination procedures, which are not jurisdictional in the fundamental sense, are reviewed under the standard of prejudicial error. Reversal is required “only if [the] defendant can show that he was deprived of a fair trial or otherwise suffered prejudice as a result of the error at the preliminary examination.” (*People v. Pompa-Ortiz* (1980) 27 Cal.3d 519, 529.) As we have explained, appellant has made no such showing and his motion to set the information aside was properly denied. Accordingly, the judgment is affirmed. Kline, P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Three

**A127134 – California Department of Parks and Recreation et al., v. The Superior Court of Alameda County, California Sportfishing Protection Alliance et al., R.P.I.**

Petitioners are entitled to their allowable costs. Siggins, J., We Concur: McGuinness, P.J., Jenkins, J. (Not for Publication.)

Division Four

**A124725 – Sean Mahsoul, v. Studentcity.com, Inc. etc.**

The trial court’s order dismissing this case for lack of personal jurisdiction is hereby reversed, and the judgment entered following that dismissal is vacated. Costs on appeal are awarded to Mahsoul. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

**A123042 – The People, v. Antonio Plascencia Pelayo.**

By The Court: The petition for rehearing is granted. The opinion filed February 16, 2010, is vacated. (Cal. Rules of Court, rule 8.26(d).) On or before April 1, 2010, Pelayo shall file a brief addressing the recently published decision, *People v. Rodriguez* (Mar. 1, 2010, F057533) \_\_\_ Cal.App.4<sup>th</sup> \_\_\_ [2010 Cal.App. LEXIS 250], which holds that the 2009 amendments to Penal Code section 4019 do not apply retroactively. Pelayo shall also discuss whether the legislative history of the enactment discloses any evidence of the Legislature’s intent in amending section 4019. Within 14 days of the

date Pelayo files his brief, the People may file a responsive brief. The briefs shall be in letter brief form and shall not exceed 5 pages. Simons, Acting P.J.

Thursday, March 18, 2010

Division Two

**A125113 – In re Jay W.-H., a Person Coming Under the Juvenile Court Law. Mendocino County Health & Human Services Agency, v. Jay H.**

The judgment is affirming termination of parental rights as to father Jay H. is affirmed. Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

**A125371, A123619 – Camille Y. Keene, M.D., v. Lake Publishing Co., Inc., et al.**

The judgment and the post-judgment attorney fee order are affirmed. Respondents shall recover their costs and attorney fees on appeal, the amount of which shall be determined by the trial court. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Three

**A126500 – The People, v. Jeffrey Lawrence Smith.**

The judgment is affirmed. McGuiness, P.J., We Concur: Pollak, J., Siggins, J. (Not for Publication.)

Friday, March 19, 2010

Division One

**A124483 – In re D.H., a Person Coming Under the Juvenile Court Law. The People, v. The State of California, v. D.H.**

The dispositional order of March 6, 2009, is affirmed. Marchiano, P.J., We Concur: Dondero, J., Banke, J. (Not for Publication.)

Division Three

**A125292 – California Attorneys Administrative Law Judges and Hearing Officers in State Employment et al., v. Arnold Schwarzenegger, as Governor, etc. et al., John Chiang, as Controller, etc. et al.**

The judgment granting the petition for writ of mandate is affirmed. Pollak, J., We Concur: McGuiness, P.J., Siggins, J. (Certified for Publication.)

Friday, March 19, 2010(Continued)

Division Four

**A123675 – In re R.C., a Person Coming Under the Juvenile Court Law. The People, v. R.C.**

The order appealed from is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Certified for Publication.)

**A121596 – The People, v. James Carol Powell.**

As corrected, the judgment is affirmed. Reardon, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Monday, February, 22, 2010

Division Two

**A122200 – The People, v. Kenneth D. Person.**

The judgment is affirmed. Lambden, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A125594 – In re S.I., a Person Coming Under the Juvenile Court Law. The People, v. S.I.**

The judgment is affirmed. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Three

**A124961 – The People, v. Emilio Castro.**

The judgment is affirmed. Siggins, J., We Concur: McGuiness, P.J., Pollak, J.  
(Not for Publication.)

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Monday, March 22, 2010

Court convened at 9:30 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Siggins, J., and Jenkins, J.; and F. Castuera, Deputy Clerk.

A125879 Xuan T. James,  
v.  
T.H. Continental Limited Partnership.  
Cause called and argued by appellant Xuan T. James, appearing in pro. per., and Allan Jang, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Presiding Justice McGuiness left the bench and Justice Pollak joined the bench and presided the last case.

A125614 Gualala Festivals Committee,  
v.  
California Coastal Commission et al.  
Cause called and argued by Damien Schiff, counsel for appellant, and Joseph Rusconi, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED

Monday, February, 22, 2010(Continued)

Division Four

**A124122 – Judith Ivory et al., v. TLSF etc., et al.**

The order granting LeBlanc leave from default is affirmed. Costs on appeal are awarded to LeBlanc. Ruvolo, P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Tuesday, March 23, 2010

Division Two

**A125805 – The People, v. Lisandro Martinez.**

Our independent review having revealed no arguable issues that require further briefing, the judgment of conviction and sentence are affirmed. Kline, P.J., We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A125599 – In re T.T., a Person Coming Under the Juvenile Court Law. Contra Costa County Bureau of Children and Family Services, v. G.T.**

The order terminating G.T.'s parental rights to T.T. and placing T.T. for adoption is affirmed. Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Three

**A122991 – The People, v. Craig Ernest Beal.**

The matter is remanded to the trial court for resentencing. In all other respects, the judgment is affirmed. McGuinness, P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, March 23, 2010

The Court convened at 9:00 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J.; Channing Hoo, Deputy Clerk; CHP Officer Bobby Singh, Bailiff.

A125618      Chevron Products Company et al.  
v.  
Communities for a Better Environment et al.  
Order to show cause called. Appellants' counsel Ron Van Buskirk and respondents' counsel William Rostov answered questions from the court.

Court recessed at 9:05 a.m.

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, March 23, 2010

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J., Sepulveda, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Bobby Singh, Bailiff.

A123026      People  
                 v.  
                 Jaquan Tarrell Jones  
Cause called. Steven Lubliner argued for appellant Jones. Catherine Rivlin argued for respondent. Cause submitted.

A124917      County of San Mateo  
                 v.  
                 State Board of Equalization et al.  
Cause called. Brian Wong argued for appellant County. Kristian D. Whitten argued for respondents. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P. J., Reardon, J., and Sepulveda, J.

A125662      Floro Zarate et al.  
                 v.  
                 Rodelio Manuel et al.  
Cause called. Orrin Grover teleargued for appellants Manuel et al. Gregory Jung argued for respondents. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P. J., Reardon, J., and Rivera, J.

A122151      City of Santa Rosa  
                 v.  
                 Ramen Patel et al.  
Cause called. Frank Weiser teleargued for appellants Patel et al. Michael J. Casey argued for respondent. Cause submitted.

Court recessed at 10:39 a.m.



MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, March 23, 2010

The Court reconvened at 1:31 p.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J., Reardon, J., and Sepulveda, J.; Annie Reasoner, Deputy Clerk; CHP Officer Bobby Singh, Bailiff.

- A120315      People of the State of California  
                 v.  
                 Anthony Johnson  
Cause called. Fred Baker argued for appellant Johnson. Deputy Attorney General Eric Share argued for respondent State of California. Cause submitted.
- At this point, Ruvolo, P.J. left the bench and Rivera, J., joined the bench. Argument continued before Reardon, Acting P. J., Sepulveda, J., and Rivera, J.
- A125581      Catherine Way  
                 v.  
                 Anne Wolff  
Cause called. Michael Coffino argued for appellant Wolff. Barri Kaplan Bonapart argued for respondent Way. Cause submitted.
- A126035      Morgan Yan  
                 v.  
                 Orkin Exterminating Company  
Cause called. Pro per appellant Yan argued on his own behalf. James Fessenden argued for respondent Orkin. Cause submitted.

The court adjourned at 2:08 p.m.

Wednesday, March 24, 2010

Division One

**A127334 – G.Q., v. Superior Court of San Mateo County, San Mateo County Human Services Agency et al., R.P.I.**

The request for stay is denied and the petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The decision is final in this court immediately. Banke, J., We Concur: Marchiano, P.J., Dondero, J. (Not for Publication.)

Division Two

**A126400 – Jametta Joy Bernice Williams Jackson, v. San Leandro Hospital.**

The judgment is affirmed. The hospital is awarded the costs of appeal. Lambden, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A124347 – The People, v. Jameica Hatch.**

The judgment is affirmed. Lambden, J., We Concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

Division Three

**A123561 – The People, v. Maurice Anthony McMillan.**

The judgment is affirmed. Pollak, J., We Concur: McGuinness, P.J., Siggins, J. (Not for Publication.)

Division Four

**A123343 – The People, v. Cruz Manuel Magana Valencia.**

The judgment is affirmed. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**MINUTES**  
COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FIVE

Wednesday, March 24, 2010

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Needham, Jr., J., Bruiniers, J., and Eric F. Cyman, Deputy Clerk.

A124531     Save the Laguna Street Campus,  
                 v.  
                 City and County of San Francisco et al.,  
                 Cause called and argued by Rose M. Zoia, counsel for appellant, and by Steven  
                 Lee Vettel, counsel for respondents. Cause ordered submitted.

A124063     The People,  
                 v.  
                 Larry Latimore, Jr.,  
                 Cause called and argued by John McCurley, counsel for appellant, and by Linda  
                 M. Murphy, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Needham left the bench and Justice Bruiniers entered.

A122625     Don Coats,  
                 v.  
                 San Mateo County Harbor District et al.,  
                 Cause called and argued by Cynthia O'Neill, counsel for appellant, and by David  
                 Hosilyk, counsel for respondent. Cause ordered submitted.

A124316     In re Michael Quarterman on Habeas Corpus,  
                 Cause called and argued by Frances M. Ternus, counsel for petitioner, and by  
                 Steven G. Warner, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Simons left the bench and Justice Needham entered.

- A124408 Bruce E. Ellsion,  
v.  
Sequoia Health Services,  
Cause called and argued by Rachel Sater, counsel for appellant, and by Barry Landsberg, counsel for respondent. Cause ordered submitted.
- A126236 Reynaldo A. Maldonado,  
v.  
The Superior Court of San Mateo County,  
Cause called and argued by Paul Demeester, counsel for petitioner, and by Brent Wilner, counsel for real party in interest. Cause ordered submitted.
- A123509 Jiaqing Wang et al.,  
v.  
City of Albany,  
Cause called and argued by Alan S. Yee, counsel for appellants, and by Bruce D. Praet, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

- A123117 Pacific Pejiu Wu Restaurant Partners,  
A123918 v.  
A124430 James Haramis,  
Causes called and argued by Myron Moskovitz, counsel for appellant, and by Terry Gordon, counsel for respondent. Causes ordered submitted.
- A120725 The People,  
v.  
Glenn Flynn Wilson,  
Cause called and argued by George Schraer, counsel for appellant, and by Gregg Zywicke, counsel for respondent. Cause ordered submitted.
- A122831 The People,  
v.  
Adalberto Miranda Yopez,  
Cause called and argued by Kelly Cronin, counsel for appellant, and by Brent Wilner, counsel for respondent. Cause ordered submitted.

Court adjourned at 2:42 p.m.

Thursday, March 25, 2010

Division One

**A123859 – Parchester Village Neighborhood Council et al., v. City of Richmond et al.**

By The Court: It is ordered that the opinion filed herein on February 24, 2010, be modified in the following particulars: (See Orders.) Marchiano, P.J. (Certified for Publication.)

**A124263 – Estate of Eugene Winans, Deceased. Mark Winans et al., v. Elizabeth Timar.**

Because we find a triable issue of fact with respect to the validity of the certificate of independent review and the issues of undue influence and testamentary capacity, summary judgment on appellants' will contest is reversed. The matter is remanded to the probate court for further proceedings consistent with this decision. Margulies, J., We Concur: Marchiano, P.J., Dondero, J. (Certified for Partial Publication.)

Division Two

**A123311 – The People, v. Jason Taylor Cyrus.**

The judgment of conviction is affirmed. Haerle, J., We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A126445 – The People, v. Charles A. Simmons.**

The order revoking probation and the sentence imposed on appellant are both affirmed. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

**A125740 – In re D.K., a Person Coming Under the Juvenile Court Law. The People, v. D.K.**

The trial court's dispositional order is affirmed. Lambden, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

**A125614 – Gualala Festivals Committee, v. California Coastal Commission et al.**

The judgment is affirmed. Pollak, Acting P.J., We Concur: Siggins, J., Jenkins, J. (Certified for Publication.)

Thursday, March 25, 2010(Continued)

**A124002 – In re Randy Miles Carter, on Habeas Corpus.**

There is no evidence in the record before us to support the Board's 2008 parole denial decision. Consequently, we remand this matter to the Board with instructions to find Carter suitable for parole unless it finds that *new evidence* establishes he would pose an unreasonable risk of danger to society or a threat to public safety if released. (See *In re Gual* (2009) 170 Cal.App.4th 20, 39-40; *In re Singler* (2008) 169 Cal.App.4th 1227, 1244-1245.) If it so chooses, the Board may condition Carter's parole on confirmation of suitable parole plans. McGuiness, P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Five

**A121647 – The People, v. Antonio Torres Pulido.**

By The Court: The petition for rehearing is denied. Jones, P.J.

**A124698 – In re K.S., a Person Coming Under the Juvenile Court Law. The People, v. K.S.**

The maximum confinement term contained in the clerk's February 19, 2009 minute order is stricken. The order is otherwise affirmed. Simons, Acting P.J., We Concur: Needham, J., Bruiniers, J. (Certified for Partial Publication.)

**A123914 – San Francisco Unified School District ex rel. Manuel Contreas et al., v. Laidlaw Transit, Inc., et al.**

By The Court: It is ordered that the opinion filed herein on February 26, 2010, be modified as follows: (See Order.) Jones, P.J. (Certified for Publication.)

**A122831 – The People, v. Adalberto Yezpez.**

The judgment is affirmed. Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J. (Not for Publication.)

**A121490 – Craig Mathis et al., v. Ivan Nahlik et al.**

The judgment is affirmed. Respondents shall recover their costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1), (2).) Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

Friday, March 26, 2010

Division One

**A122905 – The People, v. Jugjita David Banger.**

The judgment of conviction is affirmed. Marchiano, P.J., We Concur: Dondero, J., Banke, J. (Not for Publication.)

**A125062 – In re J.C., a Person Coming Under the Juvenile Court Law. The People, v. J.C.**

The jurisdictional and dispositional findings and orders are affirmed. Marchiano, P.J., We Concur: Dondero, J., Banke, J. (Not for Publication.)

Division Three

**A123856 – Veena Purifoy et al., v. Glenn Howell et al.**

Plaintiffs shall recover their costs on appeal. Jenkins, J., We Concur: McGuinness, P.J., Pollak, J. (Certified for Publication.)

**A125955 – Hung on Tong Society, v. The Superior Court of San Francisco County, Dick W. Wong, dba Dick W. Wong & Associates, R.P.I.**

This court will generally employ “the accelerated *Palma* procedure . . . when petitioner’s entitlement to relief is so obvious that no purpose could reasonably be served by plenary consideration of the issue . . .” (*Ng v. Superior Court* (1992) 4 Cal.4th 29, 35; see also *Lewis v. Superior Court* (1999) 19 Cal.4th 1232, 1236-1237, 1240-1241.) Here no purpose would be served by further argument or briefing. Therefore, let a peremptory writ of mandate issue directing the superior court to vacate that portion of its July 2, 2009 order imposing evidentiary and issue sanctions and to issue a new and different order denying those sanctions. That portion of July 2 order concerning monetary sanctions shall remain in effect. Petitioner and Real Party in Interest shall each bear their own costs. McGuiness, P.J., We Concur: Pollak, J., Jenkins, J. (Not for Publication.)

**A125879 – Xuan T. James, v. T.H. Continental Limited Partnership.**

The judgment is affirmed. Respondents shall recover its costs on appeal. McGuiness, P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

**A125242 – The People, v. Jerome Shando Simmons.**

The judgment is modified to reflect that the sentence for the assault conviction is stayed. The trial court is directed to prepare and amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections and Rehabilitation. Except as so modified, the judgment is affirmed. McGuiness, P.J., We Concur: Pollak, J., Siggins, J. (Not for Publication.)

Friday, March 26, 2010(Continued)

**A123901 – The People, v. Alan David Lerman.**

The judgment is affirmed. McGuiness, P.J., We Concur: Pollak, J., Jenkins, J. (Not for Publication.)

Division Four

**A122283 – David Beebe, v. David Gundersen et al.**

The judgment is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J> (Not for Publication.)

**A126035 – Morgan Yan, v. Orkin Exterminating Company, Inc.**

The judgment is affirmed. Sepulveda, J., We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)



Monday, March 29, 2010

Division One

**A125880 – The People, v. Gideon Gordon Shafrir.**

The order granting the motion under Penal Code section 995 and dismissing the action is reversed. Dondero, J., We Concur: Margulies, Acting P.J., Banke, J. (Not for Publication.)

Division Four

**A123726 – Seabright Insurance Company, v. U.S. Airways, Inc., Anthony Verdon Lujan.**

The judgment is reversed. Rivera, J., We Concur: Ruvo, P.J., Sepulveda, J. (Certified for Publication.)

Tuesday, March 30, 2010

Division One

**A124732 – The People, v. Luis John Oliver.**

The judgment is modified as follows: the eight-month sentence for accessory to carjacking is stayed, the stay to become final upon defendant's completion of

Tuesday, March 30, 2010(Continued)

his sentence on the charge of vehicle theft under the June 16, 2008 information. (*People v. Boyd* (1990) 222 Cal.App.3d 541, 576-577.) Margulies, J., We Concur: Marchiano, P.J., Dondero, J. (Not for Publication.)

**A125959 – The People, v. Martin A. Lake.**

We remand this case to the trial court with instructions to amend the abstract of judgment to reflect the imposition of the \$75 booking fee and to forward a copy of the corrected document to the Department of Corrections. In all other respects, the judgment of conviction and sentence are affirmed. Dondero, J., We Concur: Margulies, Acting P.J., Banke, J. (Not for Publication.)

**A125166 – In re Christina P., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. Clark P.**

The juvenile court's May 26, 2009, order terminating reunification services for Mother and Father, ordering for Christina a permanent plan of placement in a group home and a specific goal of placement in a less restrictive setting, and authorizing visitation with Mother but not with Father, is affirmed. Banke, J., We Concur: Margulies, Acting P.J., Dondero, J. (Not for Publication.)

**A124859 – Lawrence Bezirdjian, v. David J. O'Reilly et al.**

The judgment is affirmed. Dondero, J., We Concur: Marchiano, P.J., Banke, J. (Certified for Publication.)

**A122550 – The People, v. Adamu Taye Chan.**

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Banke, J. (Not for Publication.)

**A124958 – In re M.H., a Person Coming Under the Juvenile Court Law. The People, v. M.H.**

The judgment is affirmed. Margulies, J., We Concur: Marchiano, P.J., Banke, J. (Not for Publication.)

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Tuesday, March 30, 2010

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Dondero, Justice, Banke, Justice, Fred Abad, Deputy Clerk, and CHP Officer Tom Lipsey, Bailiff.

A125626     Alejandro Alvarez,  
                 v.  
                 Superior Court of the City and County of San Francisco,  
                 The People.  
                 Cause called and argued by Christopher Gauger, counsel for petitioner,  
                 and Joseph Quinn, counsel for respondent. Cause ordered submitted.

Court Adjourned

Tuesday, March 30, 2010(Continued)

Division Two

**A125235 – The People, v. Carmen Paiz.**

The order appealed from is affirmed. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

**A124351, A124369, A124370 – Karuk Tribe of Northern California et al., v. California Regional Water Quality Control Board, North Coast Region et al.**

In A124351, the judgment is affirmed. Respondents Board and PacificCorp shall recover their costs of appeal. In A124369 and A124370, the attorney fee order is reversed. Appellants Board and PacificCorp shall recover their costs of appeal. Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Certified for Publication.)

Division Three

**A125185 – The People, v. Geronimo Chavez Velazquez.**

The judgment is affirmed. Pollak, Acting P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

**A124514 – Kip P. Worden et al., v. Solid Rock Construction.**

The amended judgment is affirmed. Plaintiffs shall recover their costs and reasonable attorney fees on appeal, the amount of which shall be determined by the trial court. (See *Evans v. Unkow* (1995) 38 Cal.App.4th 1490, 1499-1500 [“A statute authorizing an attorney fee award at the trial court level includes appellate attorney fees unless the statute specifically provides otherwise”].) Jenkins, J., We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

**A125916 – The People, v. Billy Ray Shanee Maldonado.**

The order is affirmed. Pollak, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

**A124724 – In re the Marriage of Ann S. Carrino and Vincent Carrino. Ann S. Carrino, v. Vincent Carrino, Richard C. Berra.**

The order is reversed to the extent it requires Ann S. Carrino to pay Vincent Carrino’s portion of judge pro tem fees that were incurred before the Judgment was

entered on September 23, 2008. Ann shall recover her costs on appeal from Richard C. Berra. McGuiness, P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

**A125341 – Geri A. Tevini, v. Doherty , Georgeson, Kerley, LLP et al.**

Tuesday, March 30, 2010(Continued)

The judgment is affirmed. Siggins, J., We Concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

**A125269 – The People, v. Annaliza Noes Olimpiada.**

The judgment is affirmed. Siggins, J., We Concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

**A124804 – The People, v. Deandre Norra.**

The judgment is affirmed. McGuiness, P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

**A124510 – The People, v. Sidney Wayne Bishop.**

The sentence and judgment of conviction are affirmed. Jenkins, J., We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

**A125506 – The People, v. Nathan Hyde Taylor.**

The trial court's judgment is affirmed. Siggins, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Division Four

**A122104 – The People, v. Anthony Desean Curry.**

The judgment is affirmed. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A125662 – Floro Zarate et al., v. Rodelio Manuel et al.**

The order granting costs and attorney fees to respondents, and the order denying appellants' motion to tax costs, are affirmed. Each party to bear their own costs and attorney fees incurred in this appeal. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A122268 – The People, v. Curtis Wilson.**

The judgment is affirmed. Rivera, J., We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

**A125581 – Catherine Way et al., Anne Wolff.**

The judgment is affirmed. Reardon, Acting P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Tuesday, March 30, 2010(Continued)

**A125229 – In re E.B., a Person Coming Under the Juvenile Court Law. Marin County Department of Health and Human Services, v. M.R.**

The order is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Division Five

**A125133 – Lucia Lopez Dominguez, v. Financial Idemnity Company.**

We find the permissive user liability limitations of the Policy to be conspicuous, plain and clear. We therefore affirm the judgment entered for FIC. Bruiniers, J., I Concur: Needham, J. (See Concurring Opinion by Simons, Acting P.J.) (Certified for Publication.)

**A126593 – The People, v. Jesus Jose Canela.**

The judgment is affirmed. Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

**A123885 – Woodland Park Management LLC, et al., v. City of East Palo Alto et al.**

The portion of the trial court's November 26, 2008 writ of mandate prohibiting City from taking any action contrary to the trial court's statement of decision is hereby vacated. The trial court's judgment is otherwise affirmed. The parties shall bear their own costs on appeal. Simons, Acting P.J., We Concur: Needham, J., Bruiniers, J. (Not for Publication.)

**A122625 – Don Coats, v. San Mateo County Harbor District et al.**

The order denying the SLAPP motion is reversed. The trial court is ordered to prepare a new order granting the motion. Having prevailed on the motion to strike, the District and its employees are entitled to recover the attorney fees they incurred both in the trial court and on appeal. (*Paiva v. Nichols* (2008) 168 Cal.App.4th 1007, 1038.) The trial court must determine the appropriate amount. Jones, P.J., We Concur: Simons, J., Bruiniers, J. (Not for Publication.)